

ASSEMBLY BILL

No. 19

Introduced by Assembly Member Leslie

December 2, 2002

An act to amend Section 10754 of, and to add Section 11004.7 to, the Revenue and Taxation Code, and to amend Section 9551.2 of, and to add Section 23583 to, the Vehicle Code, relating to taxation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as introduced, Leslie. Taxation: vehicle license fee: offset: driving while under the influence.

Existing law imposes various penalties on persons convicted of driving while under the influence. Existing law provides for a reduction in the full amount of the vehicle license fee by an offset, as specified.

This bill would prohibit persons convicted of a driving while under the influence offense from receiving for 5 years from the date of the conviction the reduction in the full amount of the vehicle license fee by the offset, provided that the person committed the offense on or after January 1, 2004.

This bill would create the D.U.I. subaccount in the Motor Vehicle License Fee Account in the Transportation Tax Fund, and would require the increased fees that otherwise would have been offset to be deposited into that subaccount. The bill would continuously appropriate the funds in that subaccount to the California Department of the Highway Patrol.

This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for

passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10754 of the Revenue and Taxation
2 Code is amended to read:

3 10754. (a) ~~Notwithstanding~~ *Except as provided in*
4 *subdivision (d) and notwithstanding* any other provision of law,
5 the total amount of the vehicle license fee otherwise required with
6 respect to a vehicle shall be offset in accordance with those
7 provisions set forth below that are operative pursuant to
8 subdivision (b):

9 (1) (A) For any initial or original registration of any vehicle,
10 never before registered in this state, for which the final due date
11 for the license fee is on or after January 1 of any calendar year for
12 which this paragraph is operative, and for any renewal of
13 registration with an expiration date on or after January 1 of any
14 calendar year for which this paragraph is operative, the department
15 shall offset the total amount of fees otherwise due at the time of
16 registration of that vehicle by an amount equal to 25 percent of the
17 amount computed pursuant to Section 10752 or 10752.1, or
18 Section 18115 of the Health and Safety Code.

19 (B) Upon proper payment of license fees to the Department of
20 Motor Vehicles, the amount of the offset for each vehicle shall be
21 transferred into the Motor Vehicle License Fee Account in the
22 Transportation Tax Fund, and into the Local Revenue Fund,
23 pursuant to Section 11000 or Section 11000.1, as applicable.

24 (C) During any period in which insufficient moneys are
25 available to be transferred from the General Fund to fully fund the
26 offsets required by subparagraph (A), within 90 days of a
27 reduction of funding, the department shall reduce the amount of
28 each offset computed pursuant to that subparagraph by
29 multiplying that amount by the ratio of the amount of moneys
30 actually available to be transferred from the General Fund to pay
31 for those offsets to the amount of moneys that is necessary to fully
32 fund those offsets.



(2) (A) For any initial or original registration of any vehicle, never before registered in this state, for which the final due date for the license fee is on or after January 1 of any calendar year for which this paragraph is operative, and for any renewal of registration with an expiration date on or after January 1 of any calendar year for which this paragraph is operative, the department shall offset the total amount of fees otherwise due at the time of registration of that vehicle by an amount equal to 35 percent of the amount computed pursuant to Section 10752 or 10752.1, or Section 18115 of the Health and Safety Code.

(B) Upon proper payment of license fees to the Department of Motor Vehicles, the amount of the offset for each vehicle shall be transferred into the Motor Vehicle License Fee Account in the Transportation Tax Fund, and into the Local Revenue Fund, pursuant to Section 11000 or Section 11000.1, as applicable.

(C) During any period in which insufficient moneys are available to be transferred from the General Fund to fully fund the offsets required by subparagraph (A), within 90 days of a reduction of funding, the department shall reduce the amount of each offset computed pursuant to that subparagraph by multiplying that amount by the ratio of the amount of moneys actually available to be transferred from the General Fund to pay for those offsets to the amount of moneys that is necessary to fully fund those offsets.

(3) (A) For any initial or original registration of any vehicle, never before registered in this state, for which the final due date for the license fee is on or after January 1 of any calendar year for which this paragraph is operative, and for any renewal of registration with an expiration date on or after January 1 of any calendar year for which this paragraph is operative, the department shall offset the total amount of fees otherwise due at the time of registration of that vehicle by an amount equal to $67\frac{1}{2}$ percent of the amount computed pursuant to Section 10752 or 10752.1, or Section 18115 of the Health and Safety Code.

(B) Upon proper payment of license fees to the Department of Motor Vehicles, the amount of the offset for each vehicle shall be transferred into the Motor Vehicle License Fee Account in the Transportation Tax Fund, and into the Local Revenue Fund, pursuant to Section 11000 or Section 11000.1, as applicable.

(C) During any period in which insufficient moneys are available to be transferred from the General Fund to fully fund the offsets required by subparagraph (A), within 90 days of a reduction in funding, the department shall reduce the amount of each offset computed pursuant to that subparagraph by multiplying that amount by the ratio of the amount of moneys actually available to be transferred from the General Fund to pay for those offsets to the amount of moneys that is necessary to fully fund those offsets.

(b) The offset provisions set forth in subdivision (a) shall be operative as provided by the following:

(1) Paragraph (1) of subdivision (a) shall be operative for vehicle license fees with a final due date in the calendar year beginning on January 1, 1999.

(2) Paragraph (2) of subdivision (a) shall be operative for vehicle license fees with a final due date on or after January 1, 2000, and before July 1, 2001.

(3) Paragraph (3) of subdivision (a) shall be operative for vehicle license fees with a final due date on or after July 1, 2001.

(c) (1) For purposes of this section, “department” means the Department of Motor Vehicles with respect to a vehicle license fee offset for a vehicle subject to registration under the Vehicle Code, and the Department of Housing and Community Development with respect to a vehicle license fee offset for a manufactured home, mobilehome, or commercial coach described in Section 18115 of the Health and Safety Code.

(2) For purposes of this section, the “final due date” for a license fee is the last date upon which that fee may be paid without being delinquent.

(d) (1) When a person is convicted of driving while under the influence and the violation occurred on or after January 1, 2004, for five years from the date of the conviction the person shall pay for each initial, original, or renewal registration during those five years the full amount of the vehicle license fee, without any reduction by the offset provided for by this section.

(2) If the person during the five-year period specified in paragraph (1) is again convicted of driving while under the influence, a new five-year period as prescribed by paragraph (1) shall commence upon that subsequent conviction.

(3) For purposes of this subdivision, the following apply:

1 (A) “Convicted” includes a finding by a judge of a juvenile
2 court, a juvenile traffic hearing officer, or a referee of a juvenile
3 court that a person has been found to have committed a driving
4 while under the influence offense.

5 (B) “Driving while under the influence” means a driving while
6 under the influence offense set forth in Chapter 12 (commencing
7 with Section 23100) of Division 11 of the Vehicle Code.

8 SEC. 2. Section 11004.7 is added to the Revenue and Taxation
9 Code, to read:

10 11004.7. (a) There is hereby created in the Motor Vehicle
11 License Fee Account in the Transportation Tax Fund the D.U.I.
12 subaccount.

13 (b) The additional amount of vehicle license fees that a person
14 pays as a result of subdivision (d) of Section 10754 shall be
15 deposited by the Department of Motor Vehicles into the D.U.I.
16 subaccount.

17 (c) Notwithstanding Section 13340 of the Government Code,
18 the funds in the D.U.I. subaccount are continuously appropriated
19 to the California Department of the Highway Patrol.

20 SEC. 3. Section 9551.2 of the Vehicle Code is amended to
21 read:

22 9551.2. (a) ~~When~~ *Except as provided in subdivision (b),*
23 *when* an application is made for a renewal or initial registration of
24 a vehicle, the department shall apply the amount of any operative
25 offset established by subdivision (a) of Section 10754 of the
26 Revenue and Taxation Code. The department shall alter its billing
27 notice for vehicle license fees to indicate the amount of the vehicle
28 license fee for each vehicle as calculated under Section 10752 or
29 10752.1 of the Revenue and Taxation Code, or under Section
30 18115 of the Health and Safety Code, and the amount of the
31 applicable offset as required by subdivision (a) of Section 10754
32 of the Revenue and Taxation Code. The amount of the offset shall
33 be identified on the billing notice as the “VLF Offset.” ~~The~~

34 (b) *When the department is notified, pursuant to Section 1803,*
35 *1816, or 23140 that the applicant has been convicted of violating,*
36 *or, in the case of a minor, has been found to have committed, a*
37 *driving while under the influence offense set forth in Chapter 12*
38 *(commencing with Section 23100) of Division 11, and the violation*
39 *occurred on or after January 1, 2004, then pursuant to subdivision*
40 *(d) of Section 10754 of the Revenue and Taxation Code, the*

1 *department shall bill the applicant for the full amount of the*
2 *applicable vehicle license fee.*

3 (c) The Department of Motor Vehicles shall, as required by
4 Section 11000 of the Revenue and Taxation Code, provide
5 information to the Controller with respect to the amount of offsets
6 subject to this ~~subdivision~~ section.

7 ~~(b) This section shall become operative on July 1, 1999, or on~~
8 ~~that earlier date that is determined by both the director of the~~
9 ~~department, and the Director of the Department of Housing and~~
10 ~~Community Development, to be feasible for the implementation~~
11 ~~of this section.~~

12 SEC. 4. Section 23583 is added to the Vehicle Code, to read:

13 23583. (a) When a person is convicted of violating a driving
14 while under the influence offense set forth in Chapter 12
15 (commencing with Section 23100) of Division 11, and the
16 violation occurred on or after January 1, 2004, the court in which
17 the person is convicted shall inform the person that for each
18 vehicle for which he or she is required to pay a vehicle license fee,
19 he or she will pay the full amount of the vehicle license fee without
20 any reduction by the offset provided for by Section 10754 of the
21 Revenue and Taxation Code for five years from the date of the
22 conviction. The court's failure to do so shall not relieve the person
23 of the suspension.

24 (b) For purposes of this section, "convicted" includes a finding
25 by a judge of a juvenile court, a juvenile traffic hearing officer, or
26 referee of a juvenile court that a person has been found to have
27 committed a driving while under the influence offense.